



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MARCH 13, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma, Natarajan

ABSENT: None

STAFF PRESENT: Jeff Schwob, Deputy Planning Manager
Larissa Seto, Senior Deputy City Attorney
Kathleen Livermore, Senior Planner
Matt Foss, Planner I
Julie Vidad, Recording Clerk
Mark Eads, Video Technician
Chavez Company, Remote Stenocaptioning

APPROVAL OF MINUTES: None to approve

CONSENT CALENDAR

IT WAS MOVED (WEAVER/HARRISON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT ITEM 3 BE ADDED TO THE CONSENT LIST.

Chairperson Cohen asked if anyone from the public objected to the addition of Item 3 to the consent list.

Item 3 was added to the consent list.

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 3, 4 AND 5.

IT WAS MOVED (WEAVER/HARRISON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 3, 4 AND 5.

Item 3. BROOKVALE VILLAS – 35659 Fremont Boulevard – (PLN2002-00339) - to consider a Preliminary and Precise Planned District rezoning and a Preliminary Grading Plan to allow 12 townhouses on a currently vacant 0.94-acre site in the Centerville Planning Area. A Mitigated Negative Declaration has been prepared for this project.

Commissioner Natarajan stated that, since the architecture was similar to two separate projects within the City, the architecture for the next project should be completely different.

Commissioner Harrison suggested that \$8,000.00, specified in the Brookvale Villas budget to be used at the discretion of the City, be designated for bicycle racks or lockers at the depot.

MODIFICATION TO STAFF REPORT:

Condition D-4 of Exhibit C is modified to read:

An additional tree shall be provided at the landscape planter between Unit 6 and the proposed parking stall. This may require relocating the proposed utilities in this area. Two large canopy trees shall be provided at the terminus of the "T" intersection, proximate to Units 7 and 12, and shall be 'low maintenance', or 'clean' trees, such as Raywood Ash or similar, to minimize potential impacts to the neighboring property, and shall be subject to the review and approval of the City's Landscape Architect.

Condition G-4 of Exhibit C is modified to read:

The Homeowners Association shall be required to contract with a professional management firm to handle maintenance operations and dues collection procedures. Documentation of such contract shall be submitted to the City, subject to staff review and approval.

HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;

AND

FIND PLN2002-00339 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE, HOUSING, AND HEALTH AND SAFETY CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND PLN2002-00339 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (REZONING EXHIBIT).

ITEM 4. CENTERVILLE DEPOT SECOND PARKING LOT– 3849 Peralta Boulevard (PLN2003-00152) - to consider a Conditional Use Permit for a second public parking lot for the Centerville Depot. This project is categorically exempt from CEQA review, per Section 15311, Accessory Structures.

Commissioner Harrison suggested that \$8,000.00, specified in the Brookvale Villas budget to be used at the discretion of the City, be designated for bicycle racks or lockers at the depot.

Deputy Planning Manager Schwob agreed to forward his suggestion.

MODIFICATION TO INFORMATIONAL EXHIBIT:

Information Exhibit amended to show accurate parcel location.

HOLD PUBLIC HEARING;

AND

FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15311 OF THE CEQA GUIDELINES;

AND

FIND PLN2003-00152 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AND THE CENTERVILLE SPECIFIC PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND

POLICIES SET FORTH IN THE GENERAL PLAN AND THE CENTERVILLE SPECIFIC PLAN AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE PLN2003-00152, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

- ITEM 5. MARSHALL PARKLAND ACQUISITION – 5301 Curtis Street – (PLN2003-00160)** - to consider a City-initiated General Plan conformity finding for parkland acquisition and a Conditional Use Permit to allow for the establishment of a park on land zoned for residential use on a 7.26-acre portion of the former Marshall Elementary School site (10.26 acres) at 5301 Curtis Street in the Irvington Planning Area. A Negative Declaration has been prepared for this project.

HOLD PUBLIC HEARING;

AND

FIND THE PROPOSED SITE FOR THE ESTABLISHMENT OF A PARK ZONED FOR RESIDENTIAL USE IS CONSISTENT WITH THE INTENT OF THE PARK AND RECREATION CHAPTER OF THE GENERAL PLAN SERVING THE NEEDS OF THE COMMUNITY AND FREMONT'S DIVERSE POPULATION IN GENERAL;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY CONDUCTED FOR PLN2003-00160 HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES;

AND

RECOMMEND DRAFT NEGATIVE DECLARATION TO THE CITY COUNCIL AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT AS INDICATED IN EXHIBIT "D";

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN CONFORMITY FINDING THAT PLN2003-00160 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AS INDICATED IN EXHIBIT "B". THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE THE CONDITIONAL USE PERMIT FOR PLN2003-00160 TO ALLOW THE ESTABLISHMENT OF A PUBLIC PARK ON LAND ZONED FOR RESIDENTIAL USE, SUBJECT TO FINDINGS AND CONDITIONS AS INDICATED IN EXHIBIT "C";

AND

DELEGATE TO THE CITY'S RECREATION SERVICES STAFF THE ABILITY TO REVIEW AND APPROVE ANY PROPOSED ACTIVITIES ON THE PROPOSED SITE.

The motion carried by the following vote:

AYES:	7 –Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 1. SPRINT MISSION BOULEVARD – 37296 Mission Boulevard – (PLN2002-00334)** - to consider Planning Commission recommendation to the City Council for a Finding (required by the Hill Area Initiative of 2002) and a Conditional Use Permit to allow the installation of ground-mounted antennas and associated equipment cabinets located on the hill face in the Niles Planning Area. This project is categorically exempt from CEQA review, per Section 15303, New Construction or Conversion of Small Structures. (Continued from January 23, and February 27, 2003)

Pat Sausedo, Sprint PCS representative, introduced Dennis Martin, Will Ashmore (Sprint Radio Frequency Engineer), and Greg Altamara (Sprint Construction Engineer).

Dennis Martin, Sprint PCS, summarized the two and one-half year search for a suitable location, which had ended at Papillon Restaurant. The facility would be integrated into the hillside, as it would be installed at the toe of the hill. The equipment shelter would be well hidden behind the fencing and the restaurant building. He displayed photos of the site that showed telephone poles and utility lines that would camouflage the facility. The best paint color would be decided upon with staff. He showed materials that had been used in previous sites for “stealth foliage,” (mono-pines, mono-cypress trees) which was constructed on a custom basis. The “stealth foliage” would be compatible with existing foliage on the hillside. The requested pole height was the minimum needed for the proper function of the site.

Commissioner Harrison asked if the City of Fremont disagreed with the use of the flagpole and not Sprint. He asked if the flagpole location would have met Sprint’s needs.

Mr. Martin stated that Assistant City Manager Dantzker would not approve replacing the flagpole with a stealth antenna on the City’s property or on the UP property. He stated that the location would have been appropriate if the height and diversification for the antennas could have been accommodated.

Commissioner Sharma noted that the panels, on the hillside, would become visible with the changing of the seasons.

Mr. Martin stated that he expected to find a color that would blend in best during all seasons, probably a gray-green-olive color. He believed that if the correct color was chosen, the antenna would not be visible. However, the City was correct to require stealth techniques to be used in most installations.

Commissioner Wieckowski asked if any other potential sites had been identified, other than those noted in the packets and those he had already mentioned.

Mr. Martin replied that the ordinance required that a ground-mounted facility be proposed before the monopole was proposed. According to the City and its ordinance, this was the best site. He believed that the HARB would strongly oppose a 50-foot pole or structure that would be incompatible with the historical and architectural themes of the Niles District.

Commissioner Sharma asked if all utility poles had been considered for this facility.

Mr. Martin replied that staff had asked Sprint if any of the utility poles fronting Mission Boulevard (or anywhere else in the area) could be used. The engineers decided that they could not be used, because the antennas would have to be located below the grid of the wires, which would be at 20 feet and would not achieve coverage objectives.

Commissioner Harrison asked if stealth technology had been used as a flagpole in other locations. He asked what color would the applicant propose for a pole that was placed on a hillside that was brown six months of the year and green the other six months, so that "telefoliage" would not have to be used.

Mr. Martin stated that flagpoles had been used in the right locations. However, the flagpole had to be approximately 16 inches in diameter, rather than the standard diameter of six to eight inches. The photo simulations showed gray-green foliage to be the best color (as directed by HARB).

Chairperson Cohen asked if one could not expect perfect coverage within the City with this facility and if there were any other gaps in the City.

Mr. Martin stated that Sprint (and all carriers) diligently sought to mitigate all coverage gaps. He noted that the FCC mandated that the carriers had to provide coverage to fulfill the mandates of their licenses. In Niles, there were significant gaps in coverage and site was needed to complete the system. He agreed there were gaps in other parts of the City. He noted that the CPUC had filed a complaint against another carrier that had problems with coverage for false advertising.

Chairperson Cohen asked if this application was not approved, would Sprint be able to provide coverage in the City.

Mr. Martin replied that if this application was denied, Sprint would continue to seek an appropriate site in the Niles District.

Chairperson Cohen asked if Sprint would continue to provide coverage if this application was not approved.

Mr. Martin answered that the Sprint system would not be shut down, if the application was denied.

Will Ashmore, Sprint Radio Frequency Engineer, stated that if this site were not approved, the users in the area would not be covered.

Chairperson Cohen asked if the overall system would accommodate the City's residents. He did not believe that the area could ever be completely covered, because of the terrain.

Mr. Ashmore stated that they would not cover 100 percent of the area. He stated that he had worked in Phoenix and in other cities where the residents had 100 percent coverage. He believed that the plan was to be able to cover the entire City in the future, but it would take more antennas.

Chairperson Cohen opened the public hearing.

James Gearhart, 40-year resident, noted that two letters, dated January 21st and February 25th, had been received by the City. He complimented staff for the report. He believed that this was an encroachment on the City ordinances concerning the hill area. In his opinion, HARB should reconsider the matter in light of the new November 5, 2002, requirements included in the General Plan (Hill Area Initiative of 2002). He had the following objections:

- An antenna at the north entrance of the City would cause the City of Fremont to be known as an antenna city.
- Installing the facility above the toe of the hill on 50 percent constrained land was not allowed by the General Plan. Erosion would probably occur at the site.
- An antenna should not be allowed unless it could be shown that extensive public need could not be served from anywhere other than the hill area.

- City residents had nothing to do with other potential site constraints.

Mr. Gearhart continued that he had contacted the PUC. He was told that it had little control over private companies and private properties and that local regulations and restrictions by Cities were responsible for enforcement. He urged that this application be denied.

Chairperson Cohen believed that Mr. Gearhart had been modest when noting his involvement with Proposition T (The Hill Area Initiative of 2002). He asked if Mr. Gearhart had provided input regarding the wording and development of Proposition T and if he had been one of the prime movers for the proposition.

Mr. Gearhart replied that he had made some suggestions, although the consultant had written the major portion of it.

Chairperson Cohen told a story of a review by the Supreme Court where the intent of the writers of the law was questioned. The justice who had questioned the intent realized that he had helped to write the law when he was a Senator and knew what the intent was. He asked Mr. Gearhart if the intention of Proposition T was for this type of use to be permitted.

Mr. Gearhart stated that this type of use was not intended to be permitted.

Charles Foreman, owner of Papillon Restaurant, stated that Sprint approached his family about installing a facility on their property, and they had reservations about the visual impact. After reviewing the plan and the artist's renditions, they believed there would be no negative impact. He had heard no comments from his employees or customers (approximately 2,000 per month) concerning the mock antenna that had been installed about six weeks ago. It would help his business financially and he did not believe that an antenna would compromise the hillside.

Ms. Sausedo closed by saying that HARB had given an unanimous approval with direction for design revisions. Those revisions had been completely integrated into the current proposal. HARB believed that the screening would be appropriate and would meet the City's Wireless Development Standards ordinance for minimizing visual impact. In her opinion, this proposal met the uses permitted in the hill area and the more extensive public need for wireless telecommunication services. A good faith effort had been made for several other locations. She stated that the sensitivity of the hillside was understood and the antenna would be hand installed and would not be trenched. The overwhelming portion of modern communities relied upon and demanded consistent, 24/7, wireless communication service. Of course, service would still be provided within the City if this application was denied. However, if the infrastructure was not allowed to be expanded, there was the possibility that an emergency call could be dropped. She encouraged the Commission to approve this proposal, as this area needed an antenna to provide consistent service and visual mitigation would be provided.

Chairperson Cohen closed the public hearing.

Commissioner Thomas stated that her only complaint, when she visited the site, was the bright green color that the antenna had been painted. She asked if the stealth pole was to be installed alone or did the plants have to be installed, also. In her opinion, the pole alone would be less conspicuous.

Planner Foss stated that the Commission could decide that the pole, alone, was adequate.

Commissioner Sharma asked what role the Hillside Initiative played in making a decision by the Commissioners.

Deputy Planning Manager Schwob stated that the Hillside Initiative of 2002 required that the Council had to make a finding that the project would serve the greater public good before the use permit could actually be approved.

Commissioner Harrison asked if this project was in process before the election, how did it fit at this time.

Senior Deputy City Attorney Seto stated that Measure T did not take effect until the vote was certified. If a project was in process, it was not grandfathered in and the new law was applicable.

Commissioner Harrison asked if going before HARB before Measure T took effect had any standing.

Senior Deputy City Attorney Seto stated that it did not.

Commissioner Wieckowski asked where Measure T stood with regard to the General Plan amendments, regulations and the codification. The applicant seemed to be saying that she could not propose a pole antenna because the wireless ordinance required them to propose a ground-mounted antenna.

Deputy Planning Manager Schwob stated that the Measure T initiative was in full effect, regardless that it had not yet been published into the General Plan.

Commissioner Natarajan stated that she had been the writer of the telecommunications ordinance and she knew the intent of the ordinance. What Mr. Martin forgot to mention was that there were two other types of antennas that would be considered before the ground-mounted antenna would be considered. They were façade-mounted antennas and roof-mounted antennas. The whole intent of the guidelines was to hide the antennas as much as possible. The ground-mounted was considered preferable to the monopole, but was not preferable to a roof mounted or façade mounted antenna.

Commissioner Thomas asked if mounting the antenna on the roof of the Papillon Restaurant had been considered.

Planner Foss stated that had not specifically been discussed. He believed that the antenna would be too low.

Commissioner Harrison asked if the City had rejected the flagpole antenna or had Sprint rejected it.

Planner Foss stated that staff was told that it would require a 16-inch to 18-inch diameter pole and both Sprint and staff agreed that it would not be viable.

The applicant disagreed with staff's comment.

Chairperson Cohen stated that the public hearing would not be opened and the Commission would accept the fact that there was a disagreement over using the flagpole for an antenna.

Commissioner Natarajan asked where the equipment cabinet would be located if the flagpole was to be used.

Planner Foss stated that it had not been discussed.

Commissioner Harrison noted that the City was in a budget crisis and if revenues could be brought into the City by using a flagpole for a Sprint antenna, it should be looked at, regardless of what might happen in the future.

Commissioner Natarajan stated that the intent of the telecommunication ordinance was to look for sites that would essentially hide the antennas so that they were not visible. She was not convinced that putting an antenna on a hill face, even with faux trees, was enough of a buffer. She believed that more recent technology might be available to provide something smaller. She was not convinced that other search options in other locations had been exhausted. She would not support this location for the antenna.

Commissioner Sharma agreed with Commissioner Natarajan and suggested that more research be performed to find somewhere that was not on the hillsides. He did not believe that an antenna could be painted a color that would blend with the hills throughout the seasons. He, also, would not support an antenna at this location.

Commissioner Harrison encouraged Sprint to revisit the flagpole option, which he would support.

Commissioner Weaver stated that she did not own or use a cell telephone. She would not support the project, because she was not certain that this was an appropriate location, disregarding the issues of screening or how it looked from anywhere in the area.

Chairperson Cohen stated that this location was clearly not consistent with the Hillside Initiative, Measure T, and he was also interested in exploring the issue of the flagpole. He had no doubt that Sprint had extensively researched the Niles area for an appropriate location. However, the City residents had passed an ordinance that said the hills were sacred and they should be kept that way.

IT WAS MOVED (WIECKOWSKI/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**

AND

DENY THE PROJECT.

Chairperson Cohen advised the applicant that an appeal must be filed within ten days of this decision. A fee would be required.

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

- Item 2. MISSION VILLAS – 615, 669 and 687 Washington Blvd – (PLN2002-00321)** - to consider a General Plan Amendment from Neighborhood Commercial and Residential (6.5-10 dwelling units per acre) to Residential (6.5-10 dwelling units per acre) and Residential (15-18 dwelling units per acre) to provide a mix of single-family dwellings and townhouses for a total of 70 units on 5.71 acres located in the Mission San Jose Planning Area. A Mitigated Negative Declaration has been prepared for this project.

MODIFICATION TO STAFF REPORT:

Page 3, 2nd paragraph, 4th line to read:

Affordability component of 7 of the 70 units (or 10 percent). These affordable units are illustrated in the conceptual plans as 7 of the 16 residential flats to be disbursed throughout the project.

Jim Sullivan, Braddock and Logan, stated that a community meeting was held approximately six months ago with surrounding residents. Enos Street would be extended and would remain single-family, detached homes with the rest of the property devoted to 15-18 units per acre. The higher residential density homes would access directly onto Washington Boulevard, rather than from Enos Street. He had also met with the Mission San Jose Chamber, which resulted in a mix of opinions. Some did not want to see any affordable housing and some were in favor. He asked for questions.

Commissioner Wieckowski asked what the square footage of the existing houses on Enos Street was and how did the applicant envision the proposed new houses on this street. He noted that often single-family homes of 5,000 square foot were proposed next to original single-family homes of 1,200 square feet.

Mr. Sullivan stated that the average home was 1,200 to 1,600 square feet. Some people on Coit Avenue had added onto their homes. He had made a commitment to the nearest neighbors that more than 15 percent of the homes would be single story and 1,500 square foot, single-story homes would be built adjacent to the existing homes on both sides of Enos Street. He stated that his homes would not be 5,000 square foot houses, but would range from 1,500 square feet for a single-story home to approximately 2,200 square feet for a two-story home.

Commissioner Sharma asked if he had thought of increasing the number of affordable homes to meet the City's minimum of 15 percent. He noted that there were different levels of affordable housing. He asked where the applicant's project stood and what income would be needed to buy them.

Mr. Sullivan stated that he had attended two of the Council study sessions concerning affordable homes and his project was grandfathered in because his application had been filed before the adoption of the Inclusionary Housing Ordinance and had received an acceptance letter from Laura Gonzalez-Escoto. He believed that a "for sale" project was mandated by the City to be 110 percent of median income and a "rental project" was nine percent very low and six percent low income.

Senior Planner Livermore stated that the 110% figure would be for moderate income, but that would come back when the Planned District (PD) was heard. She agreed that the letter that approved the seven affordable units in this project from Ms. Gonzalez was in the record.

Commissioner Wieckowski noted that the Irvington Automotive Center was not to be included in this amendment because of environmental concerns.

Mr. Sullivan stated that the Irvington Automotive Center was not part of his property. Staff had encouraged him to acquire it, but he was not able to do so. He stated that he had provided the address and telephone number of the owner of the property who lived in Oklahoma to staff.

Senior Planner Livermore stated that staff had spoken with the property owner and her local attorney. Environmental studies are needed for a General Plan Amendment for that site and neither the City nor the applicant was able to pay for it at this time.

Mr. Sullivan stated that he hoped to create a site plan that would allow expansion onto that site when it was available.

Commissioner Wieckowski perceived that 82 units were possible if a different configuration would be used. He asked that more units be added when it came back to the Commission for the PD.

Mr. Sullivan replied that the nearby residents preferred single-family, detached homes on the entire site, which was the original plan. He saw this plan as a balance between the City's needs and the residents' desires. This plan would protect their way of life with the rest of the property being available for higher density homes.

Commissioner Wieckowski stated that, with respect to the neighbors, the City was required by the State to provide more affordable housing or face funding cuts by the State.

Chairperson Cohen asked if this application was approved, would the applicant come back to the Commission with a Planned District application and not a subdivision application.

Deputy Planning Manager Schwob stated that he was correct.

Chairperson Cohen opened the public hearing.

Carole Bell, Enos Street resident, asked that the density be kept to the proposed 70 homes, not only because the area's residents would prefer it, but because of the needs of the Mission San Jose School District, which was "busting at the seams."

Connie Andrade, 26-year resident on Enos Street, stated that she had a business in Mission San Jose and had mixed feelings about this project. She was sad that the last piece of commercial property was being changed to residential. She stated that, in her opinion, the project was too dense at 70 homes and 82 homes were not acceptable. With lots becoming smaller, it seemed that the quality of life was becoming smaller, also. Mr. Sullivan had been up front and forthright with the neighbors about his project. She would not oppose the General Plan Amendment, but she asked that the Commission consider the density.

Commissioner Harrison, for the record, stated that he had spoken with Ms. Andrade about her concerns. He asked if she had any idea of what density would be acceptable to the neighbors.

Ms. Andrade stated that every presentation by Mr. Sullivan that she had attended, the density had gone up. At the first meeting, the density started at approximately 50 homes, then 63 when the plan was presented to the Mission San Jose Study Group, and now it was at 70. Her fear that it would eventually go up to 82 units. She would like it to stay at 70. She also worried about access to I-680 along Enos Street, which the applicant had promised not to provide for the rest of the project, as stated above.

Commissioner Sharma stated that he lived in the area and liked to jog along Washington Boulevard. In his opinion, this project would improve that area of Washington Boulevard. With respect to the possibility of additional children in the Mission San Jose School District, he believed the children living in new developments would replace the children growing up and leaving the local schools.

Ms. Andrade replied that she had lived in Mission San Jose for a total of 48 years and had seen many changes. She acknowledged that the area had to grow, but it was still saddening.

Mr. Sullivan stated that he had the same concern about the local school district and, consequently, he had contacted the Fremont Unified School District to confirm which schools the children would attend and their ability to serve these additional children. When he asked if these future residents would be a problem with the local schools, he was told that there was no problem with the middle and high school. The elementary school would be most impacted

at the kindergarten level. Nearby elementary schools would be able to accommodate any overflow. He had provided a list of the affected schools to staff. He stated that he was a proponent of affordable housing, as his sister, a teacher, lived in an affordable unit on the mid-Peninsula. The proposed affordable units would have the same exterior and interior amenities as the rest of the development.

Commissioner Sharma asked if the applicant would be willing to provide a few more affordable housing units.

Mr. Sullivan stated that he would take that suggestion back to the owners of the company. However, he doubted that they would agree.

Commissioner Sharma replied that the City would try to sell the idea to the owners.

Chairperson Cohen closed the public hearing.

Commissioner Natarajan asked if the City had initiated the PD for this site.

Deputy Planning Manager Schwob answered that he understood that, in the past, it was initiated by the City.

Chairperson Cohen told the applicant that some of the Commissioners had a message to take back to the owners of the company.

Commissioner Natarajan had comments concerning the site plan currently before the Commission, so that when it came back to the Commission, she asked that the following comments be considered:

- Further affordable components were strongly urged.
- 100 percent compliance to Small Lot Guidelines, not only FARs, housing variety, but site plan issues, such as, connections. She was opposed to cul-de-sacs and would look for a pedestrian connection to Washington Boulevard at the west end of site and connections to the common green rather than serving only the few surrounding units.
- More innovative architecture, with more local architects used, rather than Irvine architects who always provide the same architecture.
- Details, especially on corner units.
- Creative landscaping.

Chairperson Cohen strongly echoed Commissioner Natarajan's comments. The architecture in this neighborhood would have to be particularly strong, unlike the renderings; materials would have to be superior; and meet 100 percent of the Small Lot Guidelines. He wanted this to be the applicant's "best project."

Commissioner Sharma asked that that more affordable housing be added.

Chairperson Cohen stated that affordable housing would be addressed during the PD hearing.

Commissioner Harrison encouraged the applicant to continue to work with the neighbors and to address their concerns as much as was possible. Their area was very special and Ms. Andrade had said it best.

Commissioner Natarajan asked when the PD was brought back, would it be considered a new application.

Deputy Planning Manager Schwob replied that it would.

Commissioner Natarajan asked if the affordable component would come in at that point.

Deputy Planning Manager Schwob stated that it would not, as the inclusionary ordinance had a grandfather clause that allowed this project to proceed if the developer had an agreement with the City prior to the adoption of the ordinance, which included any General Plan Amendment applications in process.

Senior Planner Livermore clarified that a letter was part of the file that stated that the ten-percent affordable housing was acceptable.

Commissioner Sharma asked if the letter was dated before the City required 15 percent affordable housing with every new development.

Senior Planner Livermore stated that the project met the grandfather clause. She offered to ask the City Attorney's office review it.

IT WAS MOVED (WEAVER/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND CITY COUNCIL APPROVE MITIGATED NEGATIVE DECLARATION FOR PLN2002-00321 AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT.

AND

RECOMMEND CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT PLN2002-00321 AS SHOWN ON EXHIBIT "A", AND FIND IT IN CONFORMANCE WITH THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS.

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from Commission: Commission members may report on matters of interest.

Commissioner Weaver asked how the public art was proceeding at the Target site.

Deputy Planning Manager Schwob replied that the permit was issued last week.

Chairperson Cohen asked why Tower Records, a major cultural institution, was no longer. It was a good resource for the City.

Deputy Planning Manager Schwob stated that he would check with the Economic Development staff. He understood that several stores had been closed in the Bay Area. He noted that the Warehouse was also closing.

Commissioner Natarajan recalled when the developer of the mini-storage unit project had been asked to provide a three-dimensional study model and the Commission was told that it was too time consuming and too costly. She stated that, as an architect, she made models all the time

and they did not take much time. Basic study models gave a sense of the 3D volumetric analysis and the relationships involved. She requested that staff require that infill site applicants provide 3D models.

Deputy Planning Manager Schwob asked that Commissioner Natarajan provide the Planning Department with samples that would convey the level of detail that was needed, as he believed it was difficult for the applicant to understand what staff and the Commission envisioned.

Commissioner Natarajan agreed to provide a sample model and also asked that site analysis diagrams similarly be required, of which she would provide an example.

Meeting adjourned at 9:07 p.m.

SUBMITTED BY:

Alice Malotte
Recording Clerk

APPROVED BY:

Jeff Schwob, Secretary
Planning Commission